IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY

PETITION NO.51 OF 2004

Re: V. Sanjay Kumar & Co. & Ors. ..Debtors.

Ex parte :
Ramgopal G. Nangalia ..Substituted Petitioning Creditor.

...

Ms. K.S. Lalwani for the Substituted Petitioning Creditor.
Debtors absent though served.

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CORAM: DR. D.Y. CHANDRACHUD, J.
19th August, 2006.

P.C. :

The Substituted Petitioning Creditor was brought on the record in pursuance of an order passed by this Court on 3rd May, 2005. Substituted service was allowed by an order dated 6th September, 2005. An affidavit of service dated 31st July, 2006 has been filed. The claim of the Substituted Petitioning Creditor is based on a decree passed by the City Civil Court in Summary Suit 449 of 2002 on 2nd May, 2002 in the amount of Rs.36,915.50 together with future interest at the rate of 18% per annum on the principal sum. No part of the decretal dues have been paid. The Debtors have remained absent despite service. In these circumstances, the Petition will have to be allowed and is accordingly made absolute in terms of prayer clauses (a) and (c).